



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 1, 2023

**BY ECF AND EMAIL**

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: United States v. Robert Hadden, S2 20 Cr. 468 (RMB)**

Dear Judge Berman:

The Government respectfully submits this letter seeking permission to file supplemental motions regarding the defendant's proposed exhibits and witnesses, which the Government received from the defense on December 21, 2022, after the parties' motions *in limine* had been submitted to the Court. The Government has conferred with the defense about its proposed witnesses and exhibits in an attempt to obviate or narrow any motion, and the defense has indicated it opposes the Government's position on each of the motions the Government intends to file. The Government would like to advise the Court of its challenges to the defendant's exhibits and witnesses in advance of the parties' opening statements, so that jury addresses may proceed in an orderly fashion.

By way of background, the defendant's proposed exhibits include highly graphic videos and photographs of a non-testifying doctor performing vaginal, anal, and breast exams on an actual person, in addition to other unduly prejudicial, confusing, misleading, and irrelevant exhibits. The defendant's witness list includes twelve former or current Columbia University employees, many of whom have no personal knowledge of the facts at issue in this case and whose anticipated testimony seems likely to implicate rulings that the Court has already made (such as concerning good acts by the defendant) or has reserved decision on (such as concerning self-serving, false exculpatory statements by the defendant).

Additionally, as the Court is aware, there is a pending motion to quash a subpoena issued to one of the defendant's witnesses, the attorney Anthony DiPietro, Esq. (Dkt. 216). As the Government has advised the Court (Dkt. 215 at 2 n.1), the Government intends in its response to the motion to quash to advise the Court that virtually any testimony from Mr. DiPietro should be precluded as duplicative, confusing, misleading, and unduly prejudicial under Rule 403, particularly in light of attorney-client privilege issues.<sup>1</sup> For the Court's convenience, should the

<sup>1</sup> On December 23, 2022, the Government invited the defense to provide more information as to whether there was a valid basis for Mr. DiPietro's testimony. The defense declined to provide such information.

Court grant the Government permission to file its motion with respect to the defendant's exhibits and witnesses, the Government would consolidate the proposed motion with its response regarding the subpoena to Mr. DiPietro (and file the latter early), to minimize the number of filings submitted to the Court while still allowing disputes *in limine* to be resolved in an orderly and efficient manner.

Accordingly, the Government respectfully requests the opportunity to file motions pertaining to the defendant's proposed exhibits and witnesses.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: s/

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Jane Kim / Paul M. Monteleoni / Lara Pomerantz  
Assistant United States Attorneys  
(212) 637-2038 / 2219 / 2343

cc: Defense Counsel (By Email and ECF)